

EXHIBIT 5

Gerald Thompson
November 06, 2024

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
4 LANDSCAPE CONSULTANTS OF TEXAS, INC., and)
5 METROPOLITAN LANDSCAPE)
6 MANAGEMENT, INC.,)
7 Plaintiffs,)
8 v.) Civil Action No. 4:23-cv-03516
9 CITY OF HOUSTON, TEXAS,)
10 and MIDTOWN MANAGEMENT)
11 DISTRICT,)
12 Defendants.)

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ORAL VIDEOTAPED DEPOSITION OF

GERALD THOMPSON

November 6, 2024

ORAL VIDEOTAPED DEPOSITION OF GERALD THOMPSON,
produced as a witness at the instance of the Defendants
and duly sworn, was taken in the above-styled and
numbered cause on the 6th day of November, 2024, from
10:00 a.m. to 1:33 p.m., before Dawn McAfee, Certified
Shorthand Reporter in and for the State of Texas,
reported by computerized stenotype machine at the
offices of Husch Blackwell LLP, 600 Travis Street, Suite
2350, Houston, Texas 77002, pursuant to the Federal
Rules of Civil Procedure and the provisions stated on
the record or attached hereto.

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November 06, 2024

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APPEARANCES

FOR THE PLAINTIFFS:

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ALSO PRESENT:

Mr. Orfelio De Ochoa Jr.
HUSCH BLACKWELL LLP

Mr. Bill Marsh - Videographer

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EXHIBITS

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1 THE VIDEOGRAPHER: This is beginning of
2 File Number 1 in the deposition of Gerald Thompson. The
3 time is 10:27, and we're on the record. Would the court
4 reporter please swear the witness?

5 GERALD THOMPSON,
6 having been first duly sworn, testified as follows:

7 EXAMINATION

8 BY MR. STEPHENS:

9 Q. Sir, can you state and spell your name for our
10 record, please.

11 A. Gerald Raymond Thompson. G-E-R-A-L-D, Raymond,
12 R-A-Y-M-O-N-D, Thompson, T-H-O-M-P-S-O-N.

13 Q. All right. And I'll call you Mr. Thompson. My
14 name is Ben Stephens. I'm a lawyer representing the
15 City of Houston. Can you -- can you tell me, in your
16 own words, what this lawsuit is about?

17 A. Well, quite frankly, the lawsuit is about
18 discrimination against my companies from being able to
19 fully and capably use our employees to perform contracts
20 in the -- for the City of Houston. And because we are
21 white owners with 95 percent Hispanic employees, it just
22 seems very strange that we would have to do that. So,
23 my main -- my main concern is to protect my employees,
24 not someone else's employees, for payroll and things
25 like that.

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1 Q. Okay. So you and your wife, Theresa, both own
2 shares in Metropolitan; is that right?

3 A. Yes.

4 Q. Okay. And you wrote in the complaint in
5 Exhibit 3 -- if you want to take a look at that exhibit
6 again.

7 A. Exhibit 3?

8 Q. Yeah.

9 A. Okay.

10 Q. Let's go back to this. Okay. Sorry. You're
11 gonna have to give me a minute to find it. There we go.

12 A. Which page?

13 Q. We are looking at page 3 of Exhibit 3, and this
14 is Paragraph 8.

15 A. Okay.

16 Q. And do you see where the second sentence says,
17 "Metropolitan is 51 percent owned by a female individual
18 who does not exercise day-to-day control and does not
19 qualify as an MBE under the City's MBE ordinance."

20 A. Yes.

21 Q. Okay. And that's correct?

22 A. Yes.

23 Q. Okay. And you mentioned that Metropolitan was
24 certified as a HUB through the State of Texas; is that
25 right?

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LANDSCAPE CONSULTANTS OF)
TEXAS, INC., and)
METROPOLITAN LANDSCAPE)
MANAGEMENT, INC.,)
Plaintiffs,)
)
v.) Civil Action No 4:23-cv-03516
)
)
CITY OF HOUSTON, TEXAS,)
and MIDTOWN MANAGEMENT)
DISTRICT,)
Defendants.)

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13 | ORAL DEPOSITION OF GERALD THOMPSON

14 November 6, 2024

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17 I, Dawn McAfee, Certified Shorthand Reporter
18 in and for the State of Texas, do hereby certify to the
19 following:

20 That the witness, GERALD THOMPSON, was duly
21 sworn by the officer and that the transcript of the oral
22 deposition is a true record of the testimony given by
23 the witness;

24 I further certify that pursuant to FRCP Rule
25 30(e)(1) that the signature of the deponent:

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1 X was requested by the deponent or a
2 party before the completion of the deposition and is to
3 be returned within 30 days from the date of receipt of
4 the Signature Page contains any changes and the reasons
5 therefor;

6 — was not requested by the deponent or a
7 party before the completion of the deposition.

8 I further certify that I am neither counsel
9 for, related to, nor employed by any of the parties or
10 attorneys to the action in which this proceeding was
11 taken. Further, I am not a relative or employee of any
12 attorney of record in this cause, nor am I financially
13 or otherwise interested in the outcome of the action.

14 Subscribed and sworn to on this _____
15 day of _____, _____.

Paul McAfee

Dawn McAfee
Texas CSR No. 4578
Expiration Date: 09/30/25
U.S. Legal Support
16825 Northchase Drive
Houston, Texas 77060
Firm Registration No. 122

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